

AMENDED IN ASSEMBLY MARCH 26, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 834

Introduced by Assembly Member Hayashi

(~~Coauthor: Assembly Member Nakanishi~~ *Coauthors: Assembly Members Berg, Coto, Davis, DeSaulnier, Dymally, Emmerson, Eng, Galgiani, Garcia, Hancock, Horton, Ma, Mullin, Nakanishi, Parra, Portantino, Price, Salas, and Solorio*)

(Coauthors: Senators Ridley-Thomas and Steinberg)

February 22, 2007

An act to amend Sections 104770, 104775, 104785, 104790, and 104795 of, and to add Section 104782 to, the Health and Safety Code, relating to dental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 834, as amended, Hayashi. Dental disease prevention programs.

Existing law authorizes local sponsors, as defined, to offer community dental disease prevention programs approved by the State Department of Health Services to school children in preschool through 6th grade, and in classes for individuals with exceptional needs. Existing law requires the program to include educational programs focused on the development of personal practices by pupils, as specified, and preventative services. Existing law requires any acts performed or services provided pursuant to the program that constitute the practice of dentistry to be performed or provided by a licensed dentist. Effective July 1, 2007, the responsibilities of the department will be transferred to the State Department of Public Health.

This bill would require the educational programs to be ~~evidence-based~~, age-appropriate, and focused on development of personal practices by

preschool children, ~~students, in preschool through 6th grade~~ and parents, and require to include dietary fluoride supplements. The bill would also require acts performed or services provided that constitute the practice of dentistry to be performed by a licensed dentist or a licensed or registered dental health professional.

The bill would also require the department to establish a state dental disease prevention program advisory committee, *to adopt regulations for minimal standards of the program, and to consider the recommendations of the committee if the department adopts new or revised minimum standards on or after January 1, 2008.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 104770 of the Health and Safety Code
2 is amended to read:

3 104770. The Legislature hereby finds and declares all of the
4 following:

5 (a) Ninety-five percent of all children in California have dental
6 disease in the form of dental caries and ~~periodontal disease~~
7 *gingivitis*. Dental disease in childhood can and does result in
8 significant lifetime disability, dental pain, missing teeth, time lost
9 from school and work, and the need for dentures. Poor nutrition
10 in childhood is a major contributing factor in lifetime dental
11 disability. The cost of treating the results of dental disease is close
12 to ~~four billion dollars (\$4,000,000,000) per year in California,~~
13 *twelve billion dollars (\$12,000,000,000) per year in California,*
14 of which approximately seven hundred million dollars
15 (\$700,000,000) is paid by the State of California for Denti-Cal
16 treatment costs alone.

17 (b) Dental disease in children can best be prevented by
18 preventive treatments and education programs for children and
19 parents that begin at the earliest possible age.

20 (c) Knowledge about the causes and the effective prevention of
21 dental disease is rapidly evolving.

22 (d) There is a need for state-supported prevention programs that
23 have the ability to adapt quickly to new evidence-based knowledge.

24 SEC. 2. Section 104775 of the Health and Safety Code is
25 amended to read:

104775. A community dental disease prevention program may be offered to school children in preschool through sixth grade, and in classes for individuals with exceptional needs, by a local sponsor. A local sponsor may be a city or county health department, county office of education, superintendent of schools office, school district or other public or private nonprofit agency approved by the department. The program shall include, but not be limited to, the following:

(a) Age-appropriate educational programs, focused on development of personal practices by ~~preschool children, students~~ *children who are in preschool through 6th grade*, and parents, that promote dental health. Emphasis shall include, but not be limited to, age-appropriate education, counseling, and recommending preventative dental products, causes and prevention of dental diseases, nutrition and dental health, and the need for regular dental examinations and treatment.

(b) Age-appropriate services, including, but not limited to, ongoing plaque control, dental sealants, dietary fluoride supplements, and supervised application of topical prophylactic agents for caries prevention, including fluoride varnish and mouth rinse, in accordance with this article or other preventive agents approved by the department. Services shall not include dental restoration, orthodontics, or extraction of teeth. Any acts performed, or services provided, under this article constituting the practice of dentistry shall be performed or provided by, or be subject to the supervision of, a licensed dentist or licensed or registered dental health professional in accordance with Chapter 4 (commencing with Section 1600) of Division 2 of the Business and Professions Code.

SEC. 3. Section 104782 is added to the Health and Safety Code, to read:

104782. (a) The department shall establish a state dental disease prevention program advisory committee to review the educational and preventative components, guidelines, and other programmatic requirements of the dental disease prevention program and recommend to the department the incorporation of scientifically accepted and evidence-based practices and mechanisms.

(b) The state dental disease prevention program advisory committee shall consist of seven members and shall include, *but*

1 *not be limited to*, individuals with expertise in dental disease,
2 prevention, and education, including a dentist, other members of
3 the dental profession, and representatives from dental schools and
4 dental public health organizations. The committee shall meet at
5 least once a year.

6 SEC. 4. Section 104785 of the Health and Safety Code is
7 amended to read:

8 104785. The department shall adopt, ~~in consultation with the~~
9 ~~state dental disease prevention program advisory committee,~~
10 ~~minimal~~ *minimum* standards of the community dental disease
11 prevention program in accordance with the purposes of this article,
12 and may be revised periodically as deemed necessary by the
13 department to further the purposes of this article. *The department*
14 *shall consider the recommendations of the state dental disease*
15 *prevention program advisory committee if the department adopts*
16 *new or revisions to existing minimum standards on or after January*
17 *1, 2008.*

18 SEC. 5. Section 104790 of the Health and Safety Code is
19 amended to read:

20 104790. The local health officer of each local health department
21 interested in participating in the community dental disease
22 prevention program, or his or her designee, in cooperation with
23 the appropriate education personnel and the local advisory board,
24 shall submit a proposal for the program to the department every
25 three years. The proposal shall include the methods by which the
26 program will be implemented in each jurisdiction and program
27 results reported. However, this function shall be the responsibility
28 of the department for all counties that contract with the state for
29 health services under Section 101300. These contract counties, at
30 the option of the board of supervisors, may provide services
31 pursuant to this article in the same manner as other county
32 programs, provided the option is exercised six months prior to the
33 beginning of each fiscal year.

34 If the local health officer elects not to submit a program proposal,
35 the department may solicit program proposals from other public
36 or private nonprofit agencies and contract directly with the
37 agencies. These proposals shall meet the same requirements as
38 specified for local health officers in this section.

39 SEC. 6. Section 104795 of the Health and Safety Code is
40 amended to read:

1 104795. (a) The department shall review the program proposals
2 and approve programs that meet the minimum standards adopted
3 pursuant to Section 104785.

4 (b) The department shall, ~~commencing July 1, 2000, through~~
5 ~~contractual arrangements~~ *through contractual arrangements*
6 *entered into on and after July 1, 2000, but prior to July 1, 2008,*
7 reimburse local sponsors with approved programs at an amount
8 of ten dollars (\$10), per participating child per year for
9 administration and services, pursuant to Section 104775.

10 (c) The department shall, commencing July 1, 2008, through
11 contractual arrangements entered into on and after this date,
12 reimburse local sponsors with approved programs according to
13 terms that both maximize and increase the number of children
14 reached by the program and increases the number of dental sealant
15 placements.

16 (d) The department may consider the use of additional funding
17 resources, including Denti-Cal and the Healthy Families Program,
18 when entering into program contracts.